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Law Professors Attack Claim Of Tap Powers

Thirteen prominent law professors have called on Attorney General John N. Mitchell to drop his claim that the Government may wiretap and bug, free from court supervision, domestic organization is considers subversive.

"To grant such a claim would gravely threaten some of our most fundamental liberties as well as the rule of law itself," the law professor said in a letter to Mitchell.

The Justice Department, which asserted the eavesdrop power in a legal brief filed in the conspiracy case against eight protesters at last summer's Democratic National Convention, had no comment on the letter.

The professors, including

Dean Louis H. Pollak of Yale Law School, said they took no position on the Government's right to unfettered eavesdropping in "foreign intelligence" investigations under the President's foreign affairs powers, but added, "We firmly condemn this attempt to obtain such absolute power against our own people in domestic affairs."

In its Chicago brief the Justice Department said the Executive Branch had special competence that judges necessarily lacked to determine whether taps and microphones should be used against "domestic organizations seeking to attack and subvert the Government by illegal means."

The professors said the recently disclosed wiretapping of the late Rev. Dr. Martin Luther King Jr. and Elijah Muhammed showed "how dubious is the competence" of Federal officials.

"The argument that Big Brother knows best has been steadily invoked in order to resist the application of many other provisions of the Bill of Rights," the letter said.

Besides Pollak, the signers of the letter were Anthony G. Amsterdam, University of Pennsylvania; Vern Vountryman, Harvard; Norman Dorsen, New York University; Steven B. Duke, Yale; Kenneth W. Graham Jr., UCLA; Gerald Gunther, Stanford; Michael S. Josephson, Wayne State; Yale Kamisar and Arthur R. Miller, Michigan; Edmund W. Kitch, Chicago; Herman Schwartz, State University of New York at Buffalo, and Alan Westin, Columbia.